UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
--X
                                                          :
EDWIN DIAZ,   :
                                                          :
                                   Plaintiff,   :
                                                          :   18-CV-7819 (VSB)
                     -against-   :
                                                          :   **ORDER**
NEW YORK WATER TOURS INC. D/B/A   :
LIBERTY CRUISE NYC,   :
                                                          :
                                   Defendant.   :
--X

USDC SDNY
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DATE FILED: ___2/11/2019___

VERNON S. BRODERICK, United States District Judge:

Plaintiff Edwin Diaz filed his complaint in the instant action on August 27, 2018, (Doc.

1), and on October 9, 2019, he filed an amended complaint, (Doc. 6). On October 12, 2018, an

electronic summons was issued, and on December 5, Plaintiff filed an affidavit of service,

indicating that the answer was due on November 13, 2018, (Doc. 10). Defendant failed to

respond to the amended complaint or otherwise appear in this case. On January 3, 2019, I

entered an Order directing Plaintiff to move for a default judgment or risk having this case

dismissed for failure to prosecute. (Doc. 11.) To date, no action has been taken in this case and

Plaintiff has demonstrated no intent to prosecute this action.

Accordingly, this action is dismissed without prejudice for failure to prosecute pursuant

to Federal Rule of Civil Procedure 41(b). *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 632

(1962) ("The authority of a court to dismiss sua sponte for lack of prosecution has generally been

considered an inherent power . . . necessarily vested in courts to manage their own affairs so as

to achieve the orderly and expeditious disposition of cases." (internal quotation marks omitted));

LeSane v. Hall's Sec. Analyst, Inc., 239 F.3d 206, 209 (2d Cir. 2001) ("Although the text of Fed.

R. Civ. P. 41(b) expressly addresses only the case in which a defendant moves for dismissal of

an action, it is unquestioned that Rule 41(b) also gives the district court authority to dismiss a

plaintiff's case *sua sponte* for failure to prosecute."). The Clerk of Court is respectfully directed

to close this case.

SO ORDERED.

Dated: February 11, 2019
       New York, New York

Vernon S. Broderick
United States District Judge